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OFFICE OF PETITIONS

REC'D

MAY 29 2002

ON RENEWED PETITION

TECHNOLOGY CENTER RC/00

In re Application of :
Miller :
Application No. 08/814,508 :
Filed: March 10, 1997 :
For: HOOK AND LOOP SYSTEM FOR :
ATTACHING BREAST FORM PROSTHESIS TO :
CONVENTIONAL BRAS AND ALL OTHER :
GARMENTS WITH BUILT-IN BUST CUPS :

This is a decision on the renewed petition, filed January 3, 2002 Certificate of Mailing date of October 18, 2001), under 37 CFR 1.137(a), and, alternatively, under 37 CFR 1.137(b) to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

The application became abandoned October 8, 1998 for failure to timely respond in a proper manner to the final Office action mailed July 7, 1998. The final Office action set a three (3) month non-statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed February 9, 1999. A petition to revive was filed July 24, 2001 and dismissed August 21, 2001.

DECISION UNDER 37 CFR 1.137(a)

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

Having met all requirements stated above, the petition is **GRANTED** and the instant application is restored to pending status.

DECISION UNDER 37 CFR 1.137(b)

mils/101/ys

Herein having granted the instant petition under the provisions of 37 CFR 1.137(a), the petition to revive pursuant to 37 CFR 1.137(b) is hereby **DISMISSED AS MOOT**.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuation application No. 09/911,620 filed July 24, 2001.

Petitioner is entitled to a refund of the previously submitted petition to revive unintentionally abandoned application petition fee. As previously authorized, the 37 CFR 1.137(b) petition fee in the amount of \$620.00 has been credited to deposit account No. 16-2563.

The change of correspondence/appointment of power of attorney has been entered into the record, however, absent a written revocation of previous powers of attorney, the previous powers of attorney have not been revoked.

This application is being forwarded to Technology Center 3700 for further processing.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.



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for Patent Examination Policy